

Notice of Allowability	Application No.	Applicant(s)	
	10/712,547	YOGO ET AL.	
	Examiner	Art Unit	
	Zoila E. Cabrera	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/1/06.
2. ☒ The allowed claim(s) is/are 1-4,6 and 19-31.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>6/22/04</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____. |
|---|---|

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dean W. Amburn on May 24, 2006.

The application has been amended as follows:

Cancel claims 5, 7, 8-18, 32.

Allowable Subject Matter

2. Claims 1-4, 6, 19-31 are allowed.

The following is an examiner's statement of reasons for allowance:

a) Applicant's arguments of May 1, 2006 have been persuasive.

b) The allowability of the claims resides, at least in part, that the closest prior art of record **Sullivan et al. (US 5,309,365)** does not disclose or suggest, alone or in combination the step of:

Regarding independent claim 1, **a design system for designing the three-dimensional shape of the artificial fingernail by offering the selection of parameters comprising length, and three-dimensional styl , of the artificial**

fingernail; a calculation module within the design system for calculating a three-dimensional design of the artificial fingernail from the three-dimensional topography of the natural fingernail and the selected parameters; and a machining device operably creating the artificial fingernail using the three-dimensional design of the artificial fingernail, in combination with the other elements and features of the claimed invention.

As for independent claim 19, **calculating x, y, and z, data points of the natural fingernail with a non-contact measuring system; selecting parameters for the artificial fingernail, wherein the parameters selected comprise length, and style; calculating a three-dimensional shape of the artificial fingernail from the x, y, and z data points of the natural fingernail and the parameters for the artificial fingernail; and machining the artificial fingernail, in combination with the other elements and features of the claimed invention.**

As for independent claim 23, **extracting from the image data a portion of image data that defines x, y, and z data points of the surface of the natural fingernail; selecting a design for the artificial fingernail; creating a three-dimensional data structure for the artificial fingernail wherein the data structure comprises the x, y, and z data points that defines the surface of the natural fingernail and the design for the artificial fingernail; and converting the three-dimensional data structure into machine data, in combination with the other elements and features of the claimed invention.**

As for independent claim 29, **xtracting from the image data portions of image data that define the surfaces of the plurality of natural fingernails; selecting at least one design for a plurality of artificial fingernails; creating a plurality of three-dimensional data structures one for each of the plurality of artificial fingernails wherein each data structure comprises the data that defines one of the surfaces of each of the plurality of natural fingernails and the design for the artificial fingernail; and converting the three-dimensional data structures into machine data**, in combination with the other elements and features of the claimed invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

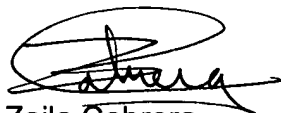
Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zoila E. Cabrera whose telephone number is 571-272-3738. The examiner can normally be reached on M-F from 8:00 a.m. to 5:30 p.m. EST (every other Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard, can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Any

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inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is 703-305-9600.

A handwritten signature in black ink, appearing to read 'Zoila Cabrera', with a large, stylized loop at the end.

Zoila Cabrera
Primary Examiner
May 25, 2006